

Goals and Activities 2004-2009

Executive Summary

The MCHR Strategic Plan is an explication of the Agency's Managing For Results Plan that is submitted each year to the Department of Budget and Management. The 2004-2009 version is a revision of the previous plan developed in 2001 during sessions in which the entire MCHR staff participated. For the most part, the objectives laid out in that plan have been met or exceeded. We have been quite successful in meeting our goals for case processing, increased use of mediation as a means of settling disputes, outreach to public agencies and private groups with an active interest in human relations issues, and utilization of information technology to communicate with users of MCHR services as well as the public at large. On the other hand, we were less successful in meeting certain other objectives, primarily because of resource limitations resulting from the State's budgetary situation.

The revised MCHR Strategic Plan does two things. First, it projects what the MCHR believes can and should be accomplished over the next several years with current staff at current funding levels. Second, it articulates several other strategies that we believe would be highly desirable and consonant with MCHR's mission but which can only be achieved with additional resources. This second category of strategies is, in other words, a "wish list" of programs that we would like to undertake and that would be a highly useful addition to MCHR's services and capabilities, if funds are made available.

Plans at Current Funding Levels

The following seven strategies have been adopted as key elements of the MCHR Strategic Plan for 2004-2009. They are explained in greater detail in Part II of this document.

- 1) Increase the proportion of complaints electing mediation and expand mediation services beyond the MCHR complaint process to external constituents.
- 2) Track and evaluate all MCHR activities to monitor and improve effectiveness. This will include utilization of customer and client satisfaction surveys of case processing and community outreach activities as well as continued

collection of performance data.

- 3) Because of budget and staff reductions, suspend the activities of the Systemic Investigations Unit, which investigates and litigates pattern and practice, or “high impact” cases. Transfer all uncompleted investigations and compliance review responsibilities to the Case Processing Division. Continue to litigate systemic cases currently in progress through the Legal Department.
- 4) Utilize the resources of the Community Outreach and Education Unit to promote the value of diversity and produce systemic change.
- 5) Continue to expand public awareness and access to MCHR services through planned extension of training activities to additional groups and the use of the Internet to communicate with interested audiences, including users of MCHR services.
- 6) Seek opportunities to expand information sharing in collaboration with MCHR’s partnership network.
- 7) Develop additional stakeholder relationships by building awareness of MCHR’s capabilities.

Programs MCHR Would Undertake if Funds Were Available

The following eight strategies are needed additions to MCHR’s capabilities and services in order to effectively serve the public.

They would require additional funding or be dependent on other contingencies:

- 1) Reactivate the Systemic Investigations Unit (scheduled to be suspended at the end of 2004 as indicated above). This unit was created in 2001 as a means of addressing institutionalized patterns of discrimination. It has proven to be a valuable addition to the MCHR’s capacity to deal with its responsibilities under Section 49 B, Annotated Code of Maryland, but its work cannot be continued after Dec. 31, 2004 without additional staff.
- 2) Increase effectiveness of processing Public Accommodations (P.A.) cases with the addition of one staff investigator position.
- 3) Expand mediation activities through additional recruitment, advanced skills training, enhanced assessment and mentoring of volunteer mediators, and other initiatives. Performing this work would require at least one additional

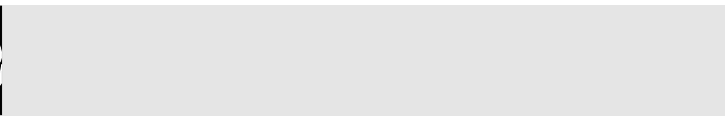
staff person.

- 4) Restore capacity for testing to determine obstructions to fair housing. In fiscal year 2003, MCHR operated a testing program through a grant from the Federal Department of Housing and Urban Development. Funding for this program has ended. The program recruited over 60 volunteers who conducted twenty-five tests regarding disability access in new construction.
- 5) Improve outreach to the Latino community by employing a bilingual training specialist to interact with communities, specifically for fair housing training. The availability of Federal grant funding for this activity is being pursued.
- 6) Establish MCHR as having a prominent and useful role in addressing Hate Crimes. Through outreach and education, MCHR can assist law enforcement in recognizing, investigating and reporting hate crimes.
- 7) Develop initiatives to assist public K-12 schools with training to address harassment, hate crimes and discrimination. This strategy would be implemented in partnership with the Maryland State Department of Education. Its realization will require active collaboration of the MSDE and is contingent on development of a Memorandum of Understanding between MCHR and the MSDE as to the scope of the program as well monetary support from MSDE for certain portions of the program.
- 8) Continue outreach efforts by maintaining a robust publications schedule and translating appropriate materials into Spanish and other languages. This would require reinstatement of a half-time position for a Publications Specialist.

The document that follows is divided into three main parts. Section I describes the MCHR and assesses the challenges it faces. Section II elaborates on the strategies that will be implemented at current funding levels. Section III elaborates on the strategies that the MCHR would pursue if more funds were available and/or other contingencies are met.

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Background

When the Maryland Commission on Human Relations was created as the Interracial Commission in 1927 to “consider the welfare of colored people within the State,” it had no jurisdictional powers, and could only raise the issue of the overwhelming inequality that existed for African-Americans. The agency finally obtained enforcement jurisdiction in employment and public accommodation discrimination cases with the passage of the Fair Employment Practice Law and Public Accommodation Law in the mid- 60's. Protections against sex and age discrimination in employment were added in the 1970's. Later changes brought individuals who are mentally and physically disabled under the law's protection, and prohibited discrimination based on marital status. MCHR was given jurisdiction over housing discrimination in 1971. Sexual Orientation and Genetic Information became protected bases in 2001. As legal remedies to discrimination were put into place, MCHR's caseload climbed rapidly.

Most would agree that giving individuals legal avenues of redress when they become victims of discrimination is a significant shift toward empowerment. Those who, seek to limit the rights and opportunities of others intentionally, or from socially ingrained attitudes are less likely to do so when faced with legal penalties.

Despite the availability of these remedies, however, research performed by the MCHR and other organizations demonstrates that widespread systemic discrimination still exists. Hate crimes are perpetuated against individuals because of their beliefs, color and sexual orientation. Individuals with physical and mental disabilities are illegally excluded and disregarded, or are denied access simply because of ignorance of their needs and of the law.

Therefore, while it may be idealistic to believe that bigotry will ever be completely eliminated, it is possible to address the causes of discrimination. Enforcing discrimination laws effectively is one method. Providing education and information is another that has been proven to build awareness of the consequences of discrimination— legal, economic, and social— for both perpetrators and victims.

Organizational Profile

The Maryland Commission on Human Relations is headquartered in Baltimore City. It serves all of Maryland with satellite offices throughout the State. Currently, MCHR has an operating budget of \$ 3.5 million, and employs 50 full and part-time employees.

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Products and Services

MCHR is responsible for enforcing Maryland's laws against discrimination in employment, housing, public accommodations and utilization of certain medical facilities. To accomplish this, the agency provides investigative and legal enforcement services. In 1998, a Systemic Unit was added to provide research and analysis on patterns and practices of discrimination. In fall 2000, the agency re-instituted a Community Education and Outreach Unit. In 2001, the mediation unit was expanded. With these changes, MCHR is able to provide more comprehensive service to Maryland citizens: litigation, mediation, systemic analysis and education. Ultimately the agency seeks to become a resource for information on discrimination and other human relations concerns.

Mission

The mission of the Maryland commission on Human Relations is to ensure equal opportunity and promote better human relations for all who work in, live in, or visit Maryland.

Core Values

MCHR strongly supports these values:

- Harmonious intergroup relations
- Dispute resolution
- Universal access to agency resources
- Strategic collaborations
- Information sharing and exchange
- Fair, but aggressive, prosecution when efforts at voluntary compliance fail

Five-Year Plan

The agency has defined two broad goals to guide its activities from 2004 through 2008.

Goal One: Through the use of case processing and enforcement activities, reduce and/or eliminate unlawful barriers to equal opportunity.

Goal Two: Educate and assist the greater Maryland Community in order to reduce and/ or eliminate unlawful barriers to equal opportunity, promote an understanding of the affirmative value of diversity in American society and maintain positive human relations in the State.

Organizational Resources

The MCHR Commission comprises nine members who are appointed by the Governor. Commissioners set and facilitate overall policy with assistance from MCHR staff, participate on subcommittees and provide contacts.

Members of the Commission staff, under the direction of the Executive Director and the agency's Executive Management Team, are each assigned to a major division within the agency: Executive, Administrative Services, Legal Unit or Case Processing Division. The Executive Management Team includes the Executive Director (Chief Executive Officer), Deputy Director (Chief Operations Officer), Assistant Director (Chief Administrative Officer) and General Counsel (Chief Legal Officer).

The Administrative Services Division includes a Personnel Manager, Information Systems Manager, Fiscal Manager and

three other administrative and/or information technology staff. The Assistant Director directs the activities of the Administrative Services Division.

The Community Outreach and Education Unit (Public Affairs Director and Training Specialist) reports to the Executive Director.

The Case Processing Division includes investigators, unit supervisors, a mediation unit, administrative and intake/records control unit. The Deputy Director directs the activities of the Case Processing Division.

The Legal Division includes attorneys, law clerks, support staff and a Systemic Investigations Unit (an attorney, one investigator, and a data entry clerk). The General Counsel directs the activities of the Legal Division. An Assistant General Counsel supervises the Systemic Investigations Unit.

Mandates

The Commission is an independent agency of the Maryland General Assembly which is mandated to enforce Article 49B, Annotated Code of Maryland. It assists in drafting legislation that affects this article, participates on advisory boards and committees mandated by the Maryland legislature and Executive Orders, and coordinates with the Governor's office in supporting legislative initiatives that relate to agency goals.

Customer and Market Requirements

- Protection of legally defined groups
- Access to State human and civil rights services
- Bias-free selection, hiring, retention, and promotion processes by employers
- Housing opportunities for all groups in Maryland
- Participation by protected class members in all areas of society
- Knowledge and understanding of anti-discrimination laws
- Equal access to public accommodations and services

Key Partners

- Federal Agencies
 - Equal Employment Opportunity Commission
 - Housing and Urban Development
- State Agencies, Commissions
- County and local human rights agencies
- Business groups
- Employer groups
- Housing Organizations
- Maryland Legislators who are interested in providing equal opportunity
- Education Entities
- Community Organizations
- Human Rights Advocacy Groups
- Non-profit organizations

Organizational Activities

- Conflict resolution through
 - Investigation
 - Mediation
- Enforcement/Compliance
 - Complaint Processing
 - Litigation
 - Systemic Research and Investigation
- Legislation
 - Proposing needed legislation
 - Technical Assistance
 - Support
- Education
 - Statistical Analysis to identify education priorities
 - Training
- Outreach
 - Information
 - Coalition Building
- Public Affairs
 - Community Liaison
 - Publications
 - World Wide Web

The Commission understands that success results from a combination of 1) enforcement efforts initiated by complaints of discrimination, 2) education, 3) mediation and 4) community outreach. These initiatives are geared to making Maryland a leader in equal opportunity for all citizens.

To achieve our vision of a “State free of any unlawful discrimination,” the Commission’s management has examined the strengths, opportunities and weaknesses of both Maryland and the Commission.

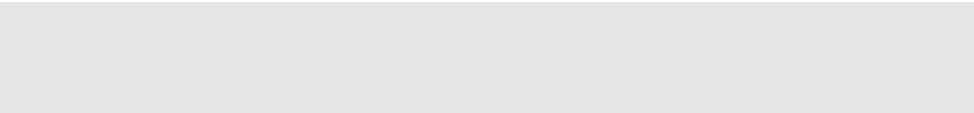
- **Strengths.** Partly due to the efforts of the MCHR, steady improvements in civil rights and equal opportunity have tracked and frequently anticipated national civil rights advances. The strength of the State’s commitment to equal opportunity lies in the establishment of this agency in 1927. The MCHR has provided over 75 years of governmental support of civil rights in the areas of employment, housing, and public accommodations. Progressive human relations and civil rights values are the key to a global economy. An emphasis on inclusiveness attracts a wide diversity of businesses to the State. As a result, its business climate is acclaimed as one of the best in the nation.
- **Opportunities.** The MCHR’s mission and vision have proven to be of durable value. Because Maryland’s extensive range of opportunities has attracted large influxes of immigrant populations, a proportionate need for outreach and greater enforcement of discrimination laws is essential. African-Americans and the growing Latino and Asian populations continue to experience discrimination in housing, employment, and public accommodations, despite laws that have been in place since the early 1960’s. Women, now in the workforce in much greater numbers, continue to experience sexual harassment and sex discrimination in the workplace. Disabled individuals do not have equal access to jobs, housing or public accommodations. Many New Americans do not fully understand their civil rights, and are vulnerable to exploitation. Maryland’s Eastern Shore and Western regions continue to experience economic

stagnation. Poverty and education levels in many areas, including Baltimore City, create environments that lead to discrimination in housing and employment. Affordable housing is in short supply, creating opportunities for discrimination and exploitation of certain groups. Hate crimes, harassment and conflicts based on religion, sexual orientation, race, gender and disability continue throughout the state, which police and school officials have inadequate resources to address. Through the MCHR, Maryland has a structure in place that has the expertise, motivation, and experience to effectively enforce Maryland's anti-discrimination law and provide tools to prevent discrimination.

- **Weaknesses.** For prohibitions against discrimination to have “teeth” under Maryland law, meaningful monetary relief should be made available for victims of employment discrimination, where back pay is inadequate to cover losses. Current State law does not provide sufficient authority in this regard. In addition to back pay or reinstatement relief, compensatory damages should be made available in cases where a proven victim of employment discrimination has endured a financial impact as a result. Article 49B, Annotated Code of Maryland should be amended to be parallel to Federal law in this regard. Marylanders should be fully protected under Maryland law, and encouraged to resolve complaints in an environment in which the State's interest is the primary consideration.

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Strategies

As noted in the Executive Summary, the MCHR Strategic Plan is an elaboration of the Managing for Results format in which the Agency's annual budget is submitted for consideration. Although it represents a longer look into the future, the Strategic Plan is wholly consistent with our Managing For Results submission. To carry out Goals One and Two of its long-range plan, the Commission has adopted the following strategies.

1) Increase proportion of complaints electing mediation, and expand mediation services beyond MCHR complaint process.

Divisional Responsibility: Case Processing

As the MCHR has endured a reduction in staff and resources over the past three budget cycles, it is somewhat difficult to project growth within the responsibilities of the Case Processing Division beyond the core responsibility of processing complaints of discrimination. While every effort continues to be made to process complaints in an efficient and timely manner, the present level of staffing does not permit expansion beyond the core mission. Furthermore, a reduction in average time to process a case has been a component of the MCHR Managing for Results budget submission for several years. An analysis of current staffing levels in proportion to historical intake of complaints indicates the Division will operate to *maintain if not improve*, the average number of days MCHR needs to complete a case. The Division shall continue to pursue alternative funding resources for the proposals listed and will implement the proposals upon expansion of resources.

The Mediation Program Director will promote and arrange mediation services to Complainants and Respondents as part of the case resolution process. Over the next several years, MCHR will continue to develop the capacity to work with other Alternative Dispute Resolution (ADR) efforts in Maryland as a referral resource and as a consultant.

By 2006 we hope to increase to at least 40 percent the number of complaints electing mediation through the use of the MCHR Mediation Program in order to promote prompt resolution of disputes in an alternative, non-investigative, non-adversarial manner.

2006-2009 - Continue to implement program expansion to external constituents.

2) Perform tracking and evaluation of all MCHR activities to monitor and improve effectiveness.

Divisional Responsibility: Case Processing, COEU and General Counsel

Customer surveys following case processing activities, and evaluations of training initiatives will provide information to improve services and follow-through.

By the end of 2004, systems for evaluating customer satisfaction were in place, as well as service follow-up techniques to ensure continued relationships and effective use of MCHR services.

Case Processing:

The Case Processing Division currently tracks and evaluates all areas of the investigative process in order to maximize the utilization of the investigative staff. Quarterly analysis is performed to insure that staffing is adequate to handle current caseload demands. Assignments are modified throughout the fiscal year in order to comply with the strategic objectives.

The success of the MCHR Mediation Program is measured through surveys taken from all participants in mediation. All participants, including attorneys, are asked to complete the survey **whether the matter is resolved through the mediation or not.**

The results of the surveys indicate the following:

- a. **95 percent of participants were “mostly or very satisfied” with the program overall (the two highest characterizations)**
- b. **92 percent of participants were “mostly or very satisfied” with the fairness of the program**
- c. **96 percent of participants would recommend the program to others involved in similar disputes.**

Community Outreach and Education

A survey is distributed to participants after every COEU training session to measure effectiveness. An annual survey is sent to contacts that arranged training.

- a. **Measuring increased awareness of those who participated in training revealed that MCHR training produced a 91 percent increase in awareness of MCHR services.**
- b. **As measured by the survey, 82 percent of those who participated in the**

training ranked it effective and valuable.

3) Suspend activities of the Systemic Unit due to budget cuts

Divisional Responsibility: Systemic Investigations Unit

The Systemic Unit, despite chronic understaffing, has enhanced MCHR's ability to effectively address pattern and practice, or "high impact" cases, involving large numbers of aggrieved persons. The Unit added "teeth" to the agency's enforcement activities and substantially increased the number of probable cause findings. However, the Unit lost a research statistician position in FY 2002 and one of only two investigator positions in FY 2004, due to budget cuts. MFR submissions project that a minimum of four investigators is needed for the Unit to meet systemic goals. In addition, litigation of a systemic case usually requires the services of expert witnesses, with fees between \$10,000 and \$20,000 per expert.

2004: Complete all pending systemic investigations and settlement efforts by December 31, 2004.

Action Steps (Systemic Supervisor and Investigator):

- Complete pending systemic investigations and negotiate monetary and class-directed relief in those cases capable of being settled without a public hearing or trial.
- Continue to litigate systemic cases pending before the Office of Administrative Hearings and/or State courts and any others in which settlement efforts have been unsuccessful

2004: Complete two pending empirical studies of practices by State government by December 31, 2004

Action Steps (Systemic Supervisor and Investigator):

- Complete the pending study of alleged discrimination by the Maryland Child Care Administration (Department of Human Resources) in the licensing and regulation of day care providers.
- Complete the pending study of State agencies' hiring and employment practices, 1999-2002.

Action Steps (Systemic Supervisor and Deputy Director):

- Systemic cases with ongoing compliance review responsibilities under settlements and remedial orders must be reassigned to investigators in the

appropriate case processing units (e.g., housing, employment) for continued monitoring in order to ensure that entities do not revert to discriminatory practices.

- Currently MCHR has continuing responsibilities in two systemic cases and by December 31, 2004 may have as many of four (4) such cases requiring ongoing monitoring and compliance activities

4) Utilize resources to promote the value of diversity and produce systemic change.

Divisional Responsibility: Community Outreach and Education Unit

Staff and financial resources added in FY 2001 to create an outreach and education unit have expanded awareness of MCHR services. Groups that have participated in collaborations are Maryland State Government departments and commissions, leadership groups from the Maryland General Assembly, corporations, business and real estate associations, community groups, non-profits, universities and the Maryland State Department of Education. Training has focused on promoting and understanding discrimination law and the value of diversity. Presentations are prepared in consultation with those who are knowledgeable about diversity and problems experienced by those groups identified as protected classes in Article 49B. These collaborations have effectively obtained information and generated awareness of MCHR's mission and services. The COEU measures performance in terms of raised awareness-- indicated by increases in requests for information, MCHR web hits, publications, and training.

2003-2004 Update:

- Inquiries received (walk-in, call-in and e-mail) increased by 4.9 percent in 2003.
- Web "hits" increased by over 100 percent in 2003, which can partially be attributed to outreach activities.
- Collaborations with partners increased by 100 percent.
- Partnerships with Hispanic groups increased in 2004.

2005-2008:

- Increase requests for information by five percent per year with increased outreach.
- Expect web hits to rise as the result of outreach, partner links to the MCHR website, and increased usage of the worldwide web reflecting increased awareness of MCHR.
- Increase rate of new collaborations with partners at 10 new partnerships per year as the result of new initiatives in the areas of hate crimes and outreach to immigrant communities.

Action Steps:

- 2005-2006: Work with HUD, Governor's Commission on Hispanic, Asian-Pacific American Affairs, Migratory and Seasonal Farm Labor and others to be determined to develop programs and events addressing the problems of immigrant communities and seasonal farm workers. (COEU Manager, Training Specialist, General Counsel, Latino staff.)

5) Expand public awareness of and access to MCHR services.

Divisional Responsibility: COEU in conjunction with other departments and units.

MCHR publishes materials that provide information on MCHR protections and services and makes them available to the public. Through the COEU, the Commission produces publications that assist the public in understanding discrimination protections, MCHR services, and support training and mediation activities. After June 30, 2004, this function will be impacted by the loss of the Publications Specialist position due to budget cuts.

2003-2004 Update:

- Twenty-four brochures, fact sheets and other publications were printed in 2003; approximately 20,500 pieces were distributed at outreach events, training, through direct mailings and upon request from groups and individuals. Brochures and posters publicized the topics of Fair Housing, Training and Mediation services, MCHR general information and complaint filing, HIV/AIDS, pregnancy protections, public accommodations protections, and sexual harassment.
- Fourteen publications, including selected web pages were translated into Spanish.
- Budget cuts that took place in 2003 forced a reduction in publishing, printing and distribution of MCHR materials.
- Elimination of one COEU position, Publications Specialist, necessitates a further reduction in printed publications.

2005-2006 Action Steps:

- Create web format for each publication to enable download for printing by end user, reducing somewhat the need for printed publications. (Publications Specialist, IT Unit Manager)
- Reprint publications from existing templates. Produce new publications as needed and duplicate in-house when possible or outsource for design and printing. (COEU Manager)

By 2005-2006 expand training activities to serve identified groups and public at large:

- Develop training campaign targeting State Agencies (diversity, technical

assistance and the law, conflict resolution.

- Establish partnerships with at least two State Agencies by the end of 2005.
- Hold trainings open to the public at MCHR Baltimore Office at periodic intervals.
- Pilot program at MCHR Baltimore Branch of cultural and technical assistance training open to the public once in 2005.

Action Steps

- Identify State Agencies that have specific needs for various types of training to combat discrimination. (COEU Manager, General Counsel)
- Develop training plan with two identified agencies in 2005 (Training Specialist, General Counsel)
- Develop curricula and promotional plan for trainings held at MCHR. (Training Specialist, COEU manager, General Counsel)
- Develop training tools that can be accessed on the MCHR website.

In 2005-2008 continue to expand awareness of MCHR through broadcast media exposure (cable television, radio and partnering closed circuit outlets)

2004 Update: MCHR has an ongoing partnership with Greater Baltimore Community Housing Resource Board to appear on Neighborhood Beat, a cable program that is distributed to several cable systems in the state, and also appears as regular guest on radio programming. The COEU Manager, General Counsel, Legal and Investigative Staff, Mediation Program Director, and Training Specialist have all appeared to describe their components of MCHR services. Other opportunities, such as videotaped trainings for presentation, are being explored.

6) Seek opportunities to expand information-sharing with relevant service providers

Divisional Responsibility: COEU in conjunction with other departments and units

Effectiveness and efficiency will be realized in the process of forming productive and focused coalitions. As part of its mission to improve human relations in Maryland, COEU staff, General Counsel and MCHR investigators involved in outreach and training continue to expand their knowledge of resources for their stakeholder base.

By 2006, build new collaborations around relevant projects and issues, to raise awareness of protections against unlawful discrimination for immigrant populations and legislation related to MCHR's mission.

2004 Update: Through training and event collaboration, outreach and networking with

a variety of groups and agencies, many new partnerships have been formed which promote information and resource sharing. The U.S. Departments of Housing and Urban Development, U.S. Department of Justice, Equal Employment Opportunity Commission, Maryland Government Commissions and Departments, local human rights agencies, advocates and grassroots groups are among the many groups in MCHR's partnership network.

By 2006 expand partnership base by at least three groups or organizations.

Action Steps:

- Identify appropriate organizations and groups to link to MCHR web site (MCHR Staff and IT manager)
- Seek opportunities to work with other groups in hosting events that are targeted to specific communities and areas of concern. (COEU manager, MCHR staff)

7.) Develop New Stakeholders by Building Awareness and Sharing Information

Divisional Responsibility: COEU, Information Technology (IT) Unit, Office of General Counsel.

By the end of 2005 develop an on-line newsletter.

Action Steps:

- Develop newsletter content and format (COEU manager)
- Complete database for e-mail notification of latest available newsletter. (Publications Specialist or other staff to be determined)
- Make two on-line newsletters available on the MCHR website by the end of 2005. (COEU manager)

By the end of fiscal year 2005 develop a searchable knowledge base for visitors to the MCHR web site looking for information on Maryland discrimination law.

In order to share information quickly, easily and appropriately—inside and outside the MCHR—activities will be focused in four key areas: (1) IT infrastructure; (2) information security; (3) common solutions; and (4) management roles and processes. These four areas have been chosen because, together, they constitute the basic building blocks of the agency's IT program. These areas have significant opportunities for improvement. Following is an outline of planned initiatives for action in these areas.

Action Steps

- 2005 (Calendar year): Collect and organize all MCHR legal content (Office of General Counsel)
- 2005 (Calendar year): Design a search engine for the MCHR web site (IT Unit)
- By the end of Fiscal Year 2006, publish and test the searchable knowledgebase (IT Unit)
- 2006 (Fiscal Year): Establish a single MCHR network (IT Unit)
- 2007 (Fiscal Year): Place the knowledge base on-line (IT Unit)

By the end of 2006 create an in-house case status reporting system for the Office of General Counsel.

Divisional Responsibility: Office of the General Counsel, Information Technology Unit

Action Steps

- By the end of Fiscal Year 2006, review present method of reporting case status in the office of the General Counsel
- By the end of Fiscal Year 2006, develop and test an online reporting system
- Create an instrument for the attorneys and executive associate to enter monthly case status data.
- Create a report to enable Office of the General Counsel to monitor the progress of cases within the legal unit

By the end of fiscal year 2007, establish Virtual Private Networks (VPN's)¹ that connect all MCHR offices by collaborating with NetworkMaryland's Wide Area Network.

Divisional Responsibility: IT Unit

Action Steps

- By the end of 2006 connect all offices to Network Maryland
- By the end of fiscal year 2007, purchase the appropriate number of VPN licenses to implement total connectivity.

2005-2008: Build a strong and robust MCHR information security program that will:

- Secure and protect information
- Provide reliable, trusted, and cost-effective IT services with
 - Updated software
 - Outsourcing where practical

¹ A Virtual Private Network (VPN) creates a "private Internet" to share information between offices.

- Maintaining 25 percent-to-inventory overturn
- Use IT to improve program effectiveness and performance by
 - Creating capacity for MCHR to become a “paperless” workplace
 - Using the Internet
 - Employing mobile computing widely

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Programs MCHR Would Undertake if Funds Were Available

The MCHR has undergone a series of budget cuts that have impacted the realization of several strategies and slowed the growth of programs that have demonstrated success in helping businesses and individuals toward providing and receiving equitable opportunity. The loss of funding has resulted in a reduction in Case Processing Division staff (six positions), Community Outreach and Education Unit staff (one and one half positions) and Systemic Investigations Unit staff (two positions). In order to continue to make strides toward reducing discrimination and provide meaningful tools to the public to accomplish this, additional funding for staff and materials is needed.

The following eight strategies, which would be valuable additions to MCHR's capabilities and services, necessitate additional funding or are dependent on other contingencies:

1) Reactivate and enlarge the Systemic Investigations Unit with adequate staffing and other resources

The Systemic Investigations Unit was created in 1998 as a means of pursuing pattern and practice, or "high impact" cases, involving large numbers of aggrieved persons.

Why this item is needed: Persuasive, institutionalized patterns of discrimination are difficult, if not impossible to deal with on a case-by-case basis. If ingrained patterns of discrimination are to be erased, it must be at the institutional level. With the suspension of the systemic investigations unit, MCHR has lost the capability to undertake investigations of institutionalized discrimination and to deal with them systematically.

In order to "reactivate" the Unit and make it an effective operation, the following must take place:

Staffing. The number of Unit investigator positions must be increased to four, as set forth in the agency MFR, in addition to the supervising attorney and data entry operator. The investigative positions should be upgraded in terms of salary and made special appointment positions, in order to increase the levels of skill and professionalism and to make the positions more competitive with those in other State agencies.

Case Referral/Coordination with other Units. Effective targeting of respondents with possible systemic violations requires coordination of the Systemic Unit with the work of other MCHR units, including investigation, complaint intake, and the testing program. Standard operating procedures should ensure that MCHR staff share

information on patterns of discrimination (obtained at the intake stage, during investigations, and as a result of testing) with the Systemic Unit. Enhanced coordination will require additional staff training and the support of MCHR management.

Funding of Experts. Litigation of systemic cases usually requires the extensive use of one or more economists, statisticians, and other experts as consultants and expert witnesses. Currently, expert fees at the low end can easily range from \$10,000 to \$20,000 per expert, depending upon the level of experience and amount of time spent on data analysis. While the Systemic Unit's in-house knowledge and software technology are adequate for data analysis tasks during investigations, independent experts will be necessary for litigation of systemic cases. In order to be successful, MCHR must develop adequate sources of funding for such cases.

2) Increase effectiveness of public accommodations (P.A.) case processing.

In response to a rising P.A. caseload and time to process the cases, the Case Processing Division needs to allocate staff to process public accommodations cases exclusively in a trial restructuring of one Unit. This could reduce overall complaint processing time by 20 percent over the next two years. This will require one additional staff person.

Why this item is needed: Because of MCHR's contractual agreements with the Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD), employment and housing cases necessarily receive priority within the case processing division. Current staff levels do not allow sufficient priority to be devoted to public accommodations cases.

3) Expand mediation activities through additional volunteer recruitment, advanced skills training, enhanced assessment, mentoring and volunteer development. Performing this work would require at least one additional staff person.

Mediating discrimination complaints before they go through the investigative process is by far the most cost effective way to resolve them. More importantly however, mediation has been demonstrated through studies and through MCHR experience to produce constructive resolutions that have an impact upon the organization culture beyond that of the immediate complaint.

Why this item is needed: Mediation serves four goals for Maryland, its businesses and housing providers: a) It addresses discrimination in an educational and constructive manner, rather than an adversarial one, increasing understanding, preserving and enhancing relationships; b) It eliminates the high cost of litigation while

resolving the conflict; c) A greater understanding of conflict resolution will lead to a lessening of discrimination and improvement of human relations within the State; d) Progressive, business-friendly programs such as MCHR's Mediation program will help to attract new businesses to Maryland.

With additional funding, the mediation program could incorporate the following elements, which are necessary to fulfill the program's potential:

Assuring High Quality Service. Although the Mediation Unit has been very successful in continuously recruiting new volunteer mediators, there is a need to assure that these volunteers are providing high quality services that match the MCHR preferred models and styles of mediation. New volunteers need to be observed and to participate in feedback sessions with mentors. Most experienced mediators need opportunities to learn new techniques and how to avoid falling into bad habits.

Expanding Scope and Effectiveness. Providing group facilitation or earlier stage mediation services for organizations and agencies before formal charges are filed would expand the scope and effectiveness of MCHR's mediation activities. Providing mediation training for staff management, facilitating group discussion or multi-party mediation sessions for organizations in crisis and offering consultation services for organizations that are experiencing in-house disputes or hostile work environments are initiatives that the MCHR could undertake with the addition of funding for additional staff.

Shared Training Opportunities. To maximize efficiency and effectiveness of its mediation initiatives, the MCHR wants to implement shared training programs with other ADR organizations. This would involve personnel to provide training for other organizations in exchange for receiving training from them.

Volunteer Development. To support and grow the volunteer mediator base that MCHR depends upon, it is important to incorporate volunteer- appreciation activities. This could include:

- Annual volunteer appreciation luncheon
- Volunteer appreciation certificates and awards
- Networking luncheons, town halls, etc.
- Stipends to supplement volunteer services to retain experienced mediators, mentors, and coaches.

We expect mediation efforts to promote a general cultural shift toward conciliatory, as opposed to confrontational, environments within the organizations, institutions, housing facilities and places of public accommodation where complaints arise and mediation is chosen as the method to resolve conflicts.

4) Maintain or expand capacity for testing to determine obstructions to fair housing.

In fiscal year 2004, MCHR operated a housing discrimination testing program through a grant from the U.S. Department of Housing and Urban Development (HUD). The funding period has ended. The program has recruited over 60 volunteers and provided certification training for two groups of volunteers. Twenty-five tests have been conducted regarding disability access in new construction generating a number of charges.

The MCHR's mission to eliminate discrimination in housing was significantly enhanced through the testing program that provided a process for uncovering instances of housing discrimination in situations that were reported as suspect.

Why this item is needed: Housing discrimination is far more widespread than the number of individual complaints indicates. Individuals can file complaints when they believe they have been discriminated against, but an individual cannot know if he or she has been denied housing because of her or his race, national origin, sexual orientation etc. unless there is a process in place that tests suspect situations for practices that lead to disparate impact upon protected classes. In addition, the intensified focus by State Government on making Maryland accessible to those with physical disabilities requires close monitoring of new construction for compliance with accessibility requirements under State law.

It is critical that all Marylanders are able to live where they choose in habitable, accessible, affordable housing. In order for this to be a reality, an effective process for uncovering housing discrimination is critical. MCHR has made a solid beginning in addressing this need in Maryland. The MCHR testing program needs funding from Maryland in order to ensure its continuity and effectiveness. To accomplish this, funding for a full-time staff person, stipend and mileage reimbursement for volunteer testers would be needed.

5) Improve outreach to the Latino community by employing a bilingual training specialist to interact with communities, specifically for fair housing training.

According to the Maryland Department of Planning the State's total Hispanic population was estimated at 256,510 as of July 1, 2002, which represents an increase of 12.5 percent from April 1, 2000. Though this and other foreign-born immigrants make a valuable contribution to Maryland's economy, many of these individuals have not had sufficient time to develop language skills in English. Knowledge of rights for these New Americans is of critical importance and concern to the MCHR. It is important to make immigrant populations aware of their rights to employment, housing and public accommodations to prevent discrimination and exploitation and to allow

them to fully participate in our economy and society. Though MCHR investigative staff now includes two bi-lingual investigators, complaints from those who need to communicate in Spanish is growing.

Why this item is needed: Demand for MCHR services in Spanish has more than tripled in the past two years. An additional staff person who is fluent in both English and Spanish is needed to bring fair housing information to the Hispanic community. The availability of funding from a Federal Grant is being pursued.

6) Establish MCHR as having a prominent and useful role in addressing Hate Crimes.

MCHR has an important role to play in dealing with community response to hate crime incidents and providing support to victims. MCHR currently serves as liaison between law enforcement and victims of hate crimes that are reported to the agency, and makes information available to the public on legal and community resources that address hate crimes. The MCHR sees a need to further expand partnerships to enhance MCHR's role as a resource for Hate Crimes training. Through the Community Outreach and Education Unit, the MCHR would like to develop curriculum to train police to more effectively respond to and report hate crimes.

Why this item is needed: Hate crimes have increased since September 11, 2001 against Muslims and those of Middle Eastern origin while hate crimes based on race, sex, disability, sexual orientation, etc. have not diminished. In investigating hate crimes under fair housing provisions in Article 49B, Annotated Code of Maryland, the problems that police have in investigating and reporting hate crimes has become evident. Maryland law contains provisions for added penalties for crimes that are classified as hate crimes under Article 27 as well. However, police departments throughout the state receive little or no training that specifically addresses what constitutes a hate crime, how to assist victims and collect evidence specific to that charge. Hate crimes strategically threaten individuals to intimidate groups of people on the basis of their race, sex, religion, ethnic origin, etc. fueling discrimination against protected classes.

7) Develop initiatives to assist public K-12 schools with training to address harassment, hate crimes and discrimination.

Through data collected from the Maryland State Police and anecdotal reports from the Maryland public school educators, the MCHR has become aware of the many problems facing our schools regarding attitudes about inclusion and knowledge about discrimination law on the part of administrators, teachers and students. The MCHR believes that it can play an important part in helping schools to understand and resolve

these serious problems. Additional funding would allow staff to initiate and oversee training and partnership initiatives that reach into communities through their schools.

Why this item is needed: In order to effect change, it is critical that information about discrimination law, sexual, racial and national origin harassment is available to convey society's values of equitable opportunity, inclusion and fairness. With increased visibility in the school systems, the MCHR could make significant progress in addressing these issues and preventing discrimination with education.

8) Continue outreach efforts by maintaining mailing lists, databases, a robust publications schedule and translating appropriate materials into other languages.

Producing professional publications that create a positive view of state government and effectively presenting information that assists the public in learning about the law, diversity, conflict resolution and mediation requires time and technical expertise. It is important to reinstate the half-time position for the Publications Specialist 2 position that was eliminated due to budget cuts in 2004. Additional funding is also necessary to translate materials into Korean, Creole, Vietnamese, Chinese, and other languages.

Why this item is needed: In order to make outreach and training programs efficient and effective, administrative and publications support is needed. Increased Federal and State requirements to produce materials in languages other than English, greater opportunities to reach a variety of publics with relevant information, and database management for tracking and promotional needs requires an additional half-time staff position to shore up lean resources.

Conclusion

Despite budget cuts in 2002, 2003 and 2004, which have eliminated a total of eight permanent staff positions, the MCHR continues to innovate and implement programs to reduce barriers to equal opportunity and promote better human relations in Maryland with enforcement and outreach activities. A mediation program expansion, community outreach and training initiatives and information technology activities are succeeding despite reductions in State funding.

Other programs and program components have been impacted in a way that benefits to the public are reduced. Staff reductions in the Office of General Counsel, Community Outreach and Education Unit and the Case Processing Division have resulted in suspension of Systemic Unit activities, reductions in outreach and education program support, the closing of a field office on the Eastern Shore and termination of

the Housing Discrimination Testing program.

A reduction of staff resources may also have the effect of reducing how much funding MCHR receives from Federal partners. The U.S. Department of Housing and Urban Development (HUD) determines funding levels for partners based on how quickly they complete cases among other variables. The Equal Employment Opportunity Commission (EEOC) has plans to adopt the same standards. If staff reductions increase the average number of days it takes MCHR to process complaints and Federal funds to the agency are reduced as a result, it would have far reaching effects in terms of staff regeneration as current staff ages and retires, as well as increasing case processing times. For the past several years, MCHR has been able to process cases much more quickly than national averages for similar agencies, but reducing staff levels threatens this record.

The ultimate vision of the Maryland Commission on Human Relations is to eliminate discrimination. This requires a sustained and dedicated effort supported by sufficient resources. In order to help businesses and the public come to terms with the issues of diversity, equal opportunity, and unlawful discrimination, it is in the interest of all who live in, work in, or visit Maryland for the MCHR to continue its long history of addressing these issues.

The results of efforts that have been continuous since 1927 are evident. However, new challenges arise as population shifts occur, and the old problems do persist. The highest priority should be placed by government on programs that make Maryland an attractive place to live, work and prosper. A continued focus on equal opportunity for all is a critical part of that mix.